

Patent Application No. 09/548,141

**REMARKS**

Applicant thanks the Examiner for the careful consideration of the present Application. This Response is in response to the Office Action dated June 29, 2004. In the Office Action, claims 1-39 were rejected under 35 U.S.C. §102. Currently pending claims 1-39 are believed allowable, with claims 1, 17, 28, 38, and 39 being independent claims.

CLAIM REJECTIONS:

Claims 1-39 was rejected under 35 USC §102(e) as anticipated by U.S. Patent No. 6,412,000 to Riddle et al. (hereinafter "Riddle"). Office Action, page 2. To anticipate a claim, a reference must teach every element and limitation in the claim. MPEP 2131.

Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

Claim 1 of the present invention recites, in part, "successively passing the data packet to each child of a first tree level until a first child of the first tree level of the classification tree indicates a satisfaction of a node-criteria packet matching function of said first child." Application, claim 1. In rejecting claim 1, the Office Action alleges that these claim limitations can be found at col. 4, lines 6-26, col. 9, lines 28-62, col. 10, lines 19-56 and col. 11, lines 25-36 of Riddle. Office Action, page 2.

The Applicant respectfully submits, however, that nowhere in the cited text of Riddle is there a teaching or suggestion of successively passing a data packet to each child node of a tree level until indication of match satisfaction by a child node of a tree level, according to claim 1. Moreover, such limitations are not contained or suggested in Riddle since, for example, Riddle only mentions that the tree is traversed from top to bottom. Riddle, col. 11, lines 29-31. Rather than child nodes indicating satisfaction of a node-criteria packet matching function, as recited in claim

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1, Riddle merely teaches comparing against attributes stored in nodes of a tree. Riddle, col. 9, lines 28-34.

Claim 1 also recites, in part, "repeating the step of passing and forming for a next tree level until no first child of said next level at a succeeding next level indicates satisfaction of the node-criteria packet matching function of said first child of said next level." Application, claim 1. The Office Action alleges that these claim limitations can be found at col. 9, lines 28-62, col. 10, lines 19-56 and col. 11, lines 25-36 of Riddle. Office Action, pages 2-3.

The Applicant respectfully submits that that nowhere in the cited text of Riddle is there a teaching or suggestion of repeatedly passing the data packet to a next tree level until there is no indication of match satisfaction by a child node of the next tree level, in accordance with claim 1. As mentioned above, such limitation are not contained or suggested in Riddle since, for example, Riddle only mentions that the tree is traversed from top to bottom. Riddle, col. 11, lines 29-31.

For at least the above reasons, the Applicant respectfully requests that the rejection of claim 1 be withdrawn. Furthermore, claim 1 is believed allowable over the cited documents, and an indication of allowance is earnestly solicited.

Claims 2-3, 12-16, 22-27, and 33-35 are dependent on and further limit claim 1. Since Claim 1 is believed allowable over the cited art, claims 2-3, 12-16, 27, and 33-35 are also believed allowable over the cited art.

Claim 7 recites, "A method for classifying a packet, said method comprising suspending a packet classification process in progress for said packet; and obtaining external information employed in said classifying." The Office Action alleges that these claim limitations can be found at col. 9, lines 28-62, col. 10, lines 19-56 and col. 11, lines 25-36 of Riddle. Office Action, page 3.

As discussed above, Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification

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tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

The Applicant respectfully submits that nowhere in the cited text of Riddle is there a teaching or suggestion of suspending a packet classification process in progress, as claimed in claim 7. For at least this reason, claim 7 is believed not anticipated by Riddle and is thus allowable over the cited art.

Claims 8-11 and 36 are dependent on and further limit claim 7. Since claim 7 is believed allowable over the cited art, claims 8-11 and 36 are also believed allowable over the cited art.

Claim 17 recites, in part, "passing said packet and a first disposition of said packet to an external process; and said external process augmenting the packet disposition by employing a process specific means; and returning the augmented packet and an augmented disposition to the child node." The Office Action alleges that these claim limitations can be found at col. 9, lines 28-62, col. 10, lines 19-56, col. 11, lines 25-36, and col. 13, lines 35-62 of Riddle. Office Action, page 5.

As discussed above, Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

The Applicant respectfully submits that nowhere in Riddle is there a teaching or suggestion of the preceding limitations of claim 17. For at least this reason, claim 17 is believed not anticipated by Riddle and is thus allowable over the cited art.

Claims 18-21 and 37 are dependent on and further limit claim 17. Since claim 17 is believed allowable over the cited art, claims 18-21 and 37 are also believed allowable over the cited art.

Claim 28 recites, in part, "a packet module to successively pass the packet from child node to child node at a next tree level until a first child node of the next tree level of the classification tree which indicates a

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satisfaction of a node-criteria of the first child node, and to form the data packet into a matched packet until no first child node of at a succeeding next level indicates satisfaction of the first node-criteria of the first child node of the succeeding next level." The Office Action alleges that these claim limitations can be found at col. 9, lines 28-62, col. 10, lines 19-56, and col. 11, lines 25-36 of Riddle. Office Action, page 7.

As discussed above, Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

The Applicant respectfully submits that nowhere in Riddle is there a teaching or suggestion of the above limitations of claim 28 since, for example, Riddle only mentions that the tree is traversed from top to bottom. Riddle, col. 11, lines 29-31. For at least this reason, claim 28 is believed not anticipated by Riddle and is thus allowable over the cited art.

Claims 29-32 are dependent on and further limit claim 28. Since claim 28 is believed allowable over the cited art, claims 29-32 are also believed allowable over the cited art.

Claim 38 recites, in part, "means for successively passing the data packet to each child of a first tree level until a first child node of the first tree level of the classification tree indicates a satisfaction of a node-criteria of said first child node, and the first child node forming said data packet into a matched packet." The Office Action alleges that these claim limitations can be found at col. 4, lines 6-26, col. 9, lines 28-62, col. 10, lines 19-56, and col. 11, lines 25-36 of Riddle. Office Action, pages 2-3.

As discussed previously, Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification

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tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

The Applicant respectfully submits that nowhere in Riddle is there a teaching or suggestion of the above limitations of claim 38. For at least this reason, claim 38 is believed not anticipated by Riddle and is thus allowable over the cited art.

Claim 39 recites, in part, "means for passing said packet and a first disposition of said packet to the external process, said external process to augment the packet disposition by employing a process specific means and to return an augmented packet with an augmented disposition to the child node." The Office Action alleges that these claim limitations can be found at col. 9, lines 28-62, col. 10, lines 19-56, col. 11, lines 25-36, and col. 11, lines 48-67 of Riddle. Office Action, page 9.

As discussed above, Riddle appears to describe a management system for network bandwidth based on information ascertainable from multiple layers of an OSI network model. Riddle, col. 1, lines 54-57. A classification tree may be utilized to compare a current traffic flow to attributes of a given traffic class. Riddle, col. 9, lines 34-37. Leafs in the classification tree can contain policies for managing the current traffic flow. Riddle, col. 9, lines 38-41.

The Applicant respectfully submits that nowhere in Riddle is there a teaching or suggestion of the preceding limitations of claim 39. For at least this reason, claim 39 is believed not anticipated by Riddle and is thus allowable over the cited art.

**CONCLUSION**

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of

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time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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